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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,616	02/27/2004	Donald B. Farr	7784-000973/US	6936

65961   7590   11/17/2010
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EXAMINER
LEE, JAE YOUNG

ART UNIT	PAPER NUMBER
2466	

MAIL DATE	DELIVERY MODE
11/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/788,616	FARR ET AL.
	Examiner	Art Unit
	JAE Y. LEE	2466

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: *See Continuation Sheet.* (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 112, 2nd paragraph, rejection for claim 12.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Daniel J. Ryman/
Supervisory Patent Examiner, Art Unit 2466

/Jae Y Lee/
Examiner, Art Unit 2466

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20101108

Continuation of 3. NOTE: The amended claim limitation, "providing a publisher/subscriber architecture interposed between a first network and second network, transmitting the first information after the first information has been translated to the second protocol" requires further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: Claim 24 is still rejected under 35 USC 112 2nd paragraph because "publisher, subscriber, publisher and subcriber architecture" have no specific structure or algorithm.

On pages 13-15 of the applicant's arguments, the applicant argues that Schwesig does not teach protocol translator and Giroti does not teach "protocol translating being done on information that is being provided by 24, 26, 28 to the IADS and there is no "publishing" of information.

Examiner respectfully disagrees with the applicant's arguments because claim 12 recites "a first protocol translator associated with the publication manager for translating the first quantity of information from a first protocol to a second protocol and a second protocol translator associated with the subscription manager for translating the publications from a third protocol to the second protocol when required." Schwesig teaches "a sever having subscription manager and publish manager located between subscriber client and publisher client (Fig. 1-5, paragraph 0052, 00053)" and Giroti teaches "integrated application delivery system (IADS) translates data packets or streams from wirelelss protocol to enterprise IP network and/or from PSTN protocol to the enterprise IP network (Fig. 2, 5, paragraph 0024, 0029)" The first protocol is wirless protcol, the second protocol is IP protocol, and the third protocol is PSTN protocol. Thus, Giroti teaches "protocol translator to translate a data packet from one protocol to another." Therefore, it would have been obvious to the one having ordinary skill in the art at the time of the invention was made to incoporate the protocol translator (IADS) to translate data packets or streams from wirelelss protocol to enterprise IP network and/or from PSTN protocol to the enterprise IP network of Giroti into the system of Schwesig, such that the unified server having subscription/publish manager translates wirelelss protocol to enterprise IP network and/or from PSTN protocol to the enterprise IP network instead of using separate translators since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.